

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNEST GODFREY LOGAN, Jr.,

Plaintiff,

v.

DPSS PUBLIC SOCIAL SERVICES, et  
al.,

Defendants.

No. 2:24-cv-02743-TLN-SCR

ORDER TO SHOW CAUSE

Plaintiff, proceeding pro se, filed a complaint and has paid the filing fee. ECF No. 1. This matter is before the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Review of the complaint reflects that this action was filed in the improper venue. Additionally, more than 90 days have passed since the filing of this action and no return of service is on file. Accordingly, Plaintiff shall show cause why the action should not be dismissed or transferred to the Central District of California.

**I. Venue**

Plaintiff filed his complaint on October 4, 2024. ECF No. 1. The caption of the complaint states “Central District of California.” *Id.* at 1. Plaintiff lists his address as Los Angeles, California. *Id.* Plaintiff also lists Los Angeles area addresses for all of the Defendants. *Id.* at 2-3. Plaintiff appears to allege wrongdoing and theft in regard to public funds for social services agencies.

1 The federal venue statute provides that a civil action “may be brought in (1) a judicial  
2 district in which any defendant resides, if all defendants are residents of the State in which the  
3 district is located; (2) a judicial district in which a substantial part of the events or omissions  
4 giving rise to the claim occurred, or a substantial part of property that is the subject of the action  
5 is situated; or (3) if there is no district in which an action may otherwise be brought as provided in  
6 this section, any judicial district in which any defendant is subject to the court’s personal  
7 jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

8 In this case, it appears the Defendants reside in Los Angeles, as does the Plaintiff.  
9 Further, it appears that the events or omissions giving rise to the claim allegedly occurred in Los  
10 Angeles. As the Defendants have not appeared and have not waived a challenge to venue, the  
11 Court may raise the issue sua sponte. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).  
12 Where an action is filed in the wrong venue, the district court may dismiss it or, in the interests of  
13 justice, transfer it to a district where it could have been brought. *Id.* citing 28 U.S.C. § 1406(a).

## 14 II. Service

15 Plaintiff filed this action on October 4, 2024. ECF No. 1. Summons issued on October 7,  
16 2024. ECF No. 4. Federal Rule of Civil Procedure 4(m) provides in relevant part: “If a defendant  
17 is not served within 90 days after the complaint is filed, the court--on motion or on its own after  
18 notice to the plaintiff--must dismiss the action without prejudice against that defendant or order  
19 that service be made within a specified time. But if the plaintiff shows good cause for the failure,  
20 the court must extend the time for service for an appropriate period.” More than 90 days have  
21 passed since the filing of the complaint and Plaintiff has not filed a return/proof of service.

22 Accordingly, **IT IS HEREBY ORDERED** that:

- 23 1. Plaintiff shall show cause, in writing, **within 14 days** of the date of this Order, why  
24 this action should not be dismissed/transferred based on improper venue or dismissed  
25 based on failure to effect service. Plaintiff shall address both the issue of venue and  
26 issue of service. If Plaintiff fails to respond, the court will recommend dismissal of  
27 the action.  
28

1           2. Alternatively, if Plaintiff no longer wishes to pursue this action, Plaintiff may file a  
2           notice of voluntary dismissal of this action pursuant to Rule 41 of the Federal Rules of  
3           Civil Procedure.

4           SO ORDERED.

5           DATED: July 11, 2025



SEAN C. RIORDAN  
UNITED STATES MAGISTRATE JUDGE